IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.2092 OF 2005

Sarmat Beg Khalil Beg @ Kalu Petitioner

Vs.

Mohd. Umar Mohd. Hanif Shaikh & ors. Respondents

Mr.S.V.Marwadi for petitioner.
Mr.A.I.Patel for Resp.Nos.1 to 3.
Mr.A.M.Shringarpure, APP for State.

CORAM: S.S.PARKAR & ANOOP V. MOHTA,JJ.

September 29, 2005.

P.C.:

. It is pointed out on behalf of the Respondent-State that the charge-sheet has been filed in this case and that some witnesses have implicated this petitioner, though the affidavits have been filed by three witnesses including the first informant in the Sessions Court stating that the petitioner was not present at the time and place of the incident. Since the entire record is before the Sessions Court it would be desirable that this petitioner applies for discharge before the Sessions Court after the case is committed to the Sessions Court. Mr.Marwadi also seeks direction from this Court that in view of what has been stated by the petitioner in this petition and in view of the three

affidavits filed by the witnesses, in case the application for discharge is not made, the trial itself may be expedited because it would cause great injustice to the petitioner if he has to be under the hanging sword if the trial is pending for a considerably long time.

. In the circumstances, we allow the petitioner to withdraw this petition with liberty to file discharge application. We also direct the Sessions Court that in case the petitioner is not discharged or has not made an application for discharge, to expedite the trial in the sessions case arising from C.R. No.124 of 2005 registered at Nagpada Police Station, Mumbai and dispose of the same as early as possible.

. With the aforesaid liberty and direction the petition shall stand disposed of as withdrawn.

. Within short time after the aforesaid order was passed by this Court Mr.Marwadi informs us across the bar that as soon as the petitioner left this Court room and went to the ground floor of this High Court building, he was taken away by the police, as

informed to him by the brother of the petitioner, though the petitioner was already released on bail in this case.

(S.S.PARKAR,J.)

(ANOOP V. MOHTA,J.)